



Appeal Decision

Site visit made on 10 March 2020

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 April 2020

Appeal Ref: APP/G5180/W/19/3242542

2 Oak Grove Road, London SE20 7RQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Anthony Montague against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/03779/FULL1, dated 3 September 2019, was refused by notice dated 28 October 2019.
 - The development proposed is for a single storey rear extension, roof extension, and conversion of dwelling into two apartments with associated refuse storage, cycle parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. There is an emerging version of the London Plan. The Greater London Authority (GLA) published the Intend to Publish London Plan in December 2019 (ItPP). Subsequently, the Secretary of State (SoS) wrote to the GLA to direct changes to the ItPP, and to request that the GLA respond with a revised plan containing the modifications necessary to conform with the directions. The policies of the ItPP have varying weight depending on the level of unresolved objection from the SoS and the likelihood of further changes. The policies in relation to housing are the subject of directions by the SoS and therefore carry only moderate weight at this time.

Main Issue

3. The main issue is whether the proposed development would provide satisfactory living conditions for the future occupiers of the flats in respect of the provision of external private amenity space.

Reasons

4. It is proposed to extend and refurbish an existing 3-bedroom home and to convert it into two flats, a 3-bedroom flat to the ground floor and a 2-bedroom flat to the first floor. The site is tightly constrained with limited space beyond the existing building and is immediately bordered by gardens to the properties along Croydon Road to the north, and by an access road to garages to the south. It fronts onto Oak Grove Road, which is a residential street.

5. The proposed ground floor flat would be a 3-bedroom 5-person dwelling. The external private amenity space would be a courtyard to the rear. This would provide around 20 square metres (sq m) of private amenity space. Whilst this would provide a fairly small space, the Housing Supplementary Planning Guidance 2016 (the SPG) seeks the provision of 5 sq m of private outside space for 1-2 person dwellings and an additional 1 sq m for each subsequent person. The requirement for a 3-bedroom, 5-person flat is therefore 8 sq m and the proposed amenity space would exceed this guideline. It would be directly accessed from the kitchen/family room, and would be of a useable size and shape which would provide sufficient space for sitting out, growing plants, and drying washing, for example. The quality of the proposed private amenity space, with regard to this flat, would be acceptable.
6. The proposed first floor flat would be a 2-bedroom 3-person dwelling. It would not have any private outside space. The SPG states that private outside space is highly valued and that dwellings on upper floors should have access to a terrace, roof garden, winter garden, courtyard garden or balcony. It does allow, in exceptional circumstances, for a proportion of dwellings to have no outside space and instead be provided with an additional internal living space equivalent to the area of the private open space requirement. The SPG seeks the provision of 6 sq m of private outside space for 3-person flats. The minimum floor area of a 2-bedroom, 3-person dwelling, as set out in the Nationally Described Space Standards (the Standards), is 61 sq m gross internal area (GIA). Therefore, 67 sq m (GIA) would be required.
7. The proposed flat would be 67 sq m (GIA). However, the proposed layout includes an area within the roofslope. Some of the roofslope area would have a head height of less than 0.9m, and some of it would be between 0.9m and 1.5m and would not necessarily be used for storage due to clashes with the proposed rooflights. The Standards state that these areas cannot count towards a flat's floorspace. The extent of these areas is not measured, however it is clear that at least some of the flat would not count towards the overall floor area. Consequently, even if it were found that there were exceptional circumstances to justify the lack of private outside space provision, the flat would not meet the required 67 sq m (GIA) floor area in such circumstances.
8. Whilst I find that the private external amenity space provision for the ground floor flat would be acceptable, I find that the living conditions for the future occupiers of the first floor flat would be inadequate due to a lack of external amenity space. The proposal would therefore fail to comply with the relevant parts of Policies 4 and 37 of the Bromley Local Plan 2019 (LP), which, in combination, seek to ensure that dwellings protect the amenity of future occupants including in respect of the provision of external amenity space. It would also conflict with and Paragraph 127 of the National Planning Policy Framework which seeks to achieve the creation of places with a high standard of amenity for existing and future occupiers.

Other Matters

9. The Council cannot demonstrate a 5-year housing land supply. Paragraph 11d of the Framework is therefore engaged.
10. The proposal would result in the creation of a new housing unit, which would help the Council to meet its housing land supply. This would be from a windfall site, and from a 'small site' as defined by and particularly supported by Policy

H2 of the ItPP. It would bring temporary economic benefit from the construction process, and long-term economic benefit from the boost to local services from the greater occupancy on the site. These factors weigh in favour of the proposal, but the benefits would be limited because only one additional residential unit and very limited additional residential floorspace are proposed. However, the proposed accommodation would be particularly unsatisfactory and the resultant effect on the living conditions of future occupiers would be substantial and would significantly and demonstrably outweigh the benefits.

11. The appellant states that Policy 9 of the LP should have been considered as part of the assessment of the proposal. However, this policy relates to conversions of a single dwelling into two or more flats, not the conversion and extension of a single dwelling. This policy is not therefore relevant to the proposal. Policy 9 requires that proposals result in a high quality living environment for the intended occupiers, so the appeal proposal fails to comply with this policy in any case.
12. My attention has been drawn to an appeal decision at 10 Churchfields Road. However, this appeal is referenced to indicate that weight should be afforded to the Council's acceptance of the principle of providing additional internal space in lieu of external private space. I have previously set out why the internal space does not mitigate the lack of private outside space in relation to the appeal proposal.

Conclusion

13. For the reasons above, I conclude that the appeal be dismissed.

O S Woodward

INSPECTOR